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OFFICE OF PETITIONS

In re Application of
GUYTON, et al.
Application No. 10/799,117
Filed: March 12, 2004
Attorney Docket No. 30011.24987

DECISION ON PETITION

The above-identified application has been referred to the Office of Petitions for consideration of a petition under 37 CFR 1.137(b) to revive the above-identified application filed October 6, 2006.

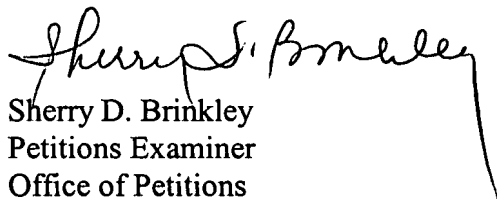
The petition is **GRANTED**.

A review of the record discloses that the application became abandoned for failure to respond to the Final Office action mailed on March 24, 2006. On October 6, 2006, the present petition was filed, along with a Request for Continued Examination (RCE) under 37 CFR 1.114. It is noted that, while there was no decision on the petition to revive, the U.S. Patent and Trademark Office (USPTO), nonetheless, processed the untimely RCE. In fact, a non-final Office action was mailed on October 18, 2006, to which applicant responded on February 22, 2007.

Since the petition is found to be in compliance with 37 CFR 1.137(b), the petition is being treated as having been granted prior to the mailing of the October 18, 2006 Office action. Accordingly, this decision ratifies the ensuing prosecution.

The application is being referred to the Technology Center Art Unit 3636 for consideration of the response filed February 22, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions